

REMARKS

Claims 1-24 are pending in the current application. Claims 1, 12, 21 and 24 are independent claims.

35 U.S.C. § 103 Redden and Home

Claims 1-4, 7, 8, 11-15, and 19-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Redden and Home. Applicants respectfully traverses this art grounds of rejection.

Redden discloses a server telecommunication system including Earth orbiting satellites featuring allocation of communication channels among users in cells. Each of the subscriber units is programmed with an embedded class identifier for designating a class of a user. Various classes of users are listed in Table 1 of column 12. The Examiner states that “Redden teaches obtaining a first performance indicator and a second performance indicator for a reverse link associated with a subscriber station seeking access to the wireless communication system”, directing the Applicants to column 12, lines 57-65 and column 13, line 60-67. It appears that the Examiner is reading a performance indicator as a class of users as disclosed in Table 1. Applicants respectfully disagree with this characterization of the claim language.

Class designations for users are not performance indicators of the reverse link. Instead, a user class merely designates a type of user. For example, user classes listed in Table 1 include a priority system user, emergency services, system test and maintenance, etc.

Applicants agree with the Examiner in that “Redden does not specifically teach deciding whether to grant or deny access to the subscriber station seeking access to the wireless communication system based on the comparison of a first performance

indicator to the obtained blocking threshold” (page 2 of the Office Action). The Examiner alleges that Home discloses this particular deficiency of Redden.

Home discloses a method and system for priority access channel allocation within a telecommunication subsystem. Home considers requests for channel access based on a user priority level. A subscriber may either be assigned to one of a plurality of priority categories or assigned to non-priority status (Column 6, Lines 42-47). Each category is associated with a blocking threshold (Column 7, Lines 21-36). The blocking threshold may be determined by a number of available channels (Column 7, Line 49 – Column 8, Line 14). The blocking thresholds are given merely to ensure that higher priority subscribers have greater access to channels within a channel pool. The blocking threshold may be established based on traffic intensity (Column 12, Lines 16-40). However, traffic intensity is not a performance indicator of a reverse link for a subscriber.

In view of the above, Applicants respectfully submit that the combination of Redden and Home cannot disclose or suggest “obtaining a first performance indicator and a second performance indicator for a reverse link associated with a subscriber station” as recited in independent claims 1 and 24 and similarly recited in independent claims 12 and 21.

As such, 2-4, 7, 8, 11, 13-15, 19-20, and 22-23, dependent on independent claims 1, 12 and 21, respectively, are likewise allowable over Redden and Home at least for the reasons given above with respect to independent claims 1, 12, and 21.

No Motivation to Combine

Further, Applicants cannot understand why one skilled in the art would seek to combine Redden's method of restricting service to particular user classes and Home's method of prioritizing channel access. Redden is directed to ensuring security by only allowing certain user classes access to particular channels. Specifically, during natural disasters, Redden seeks to reserve communication channels for emergency personnel. Home is directed to establishing higher and lower priority subscribers and dynamically ensuring that necessary bandwidth is available for the higher bandwidth subscribers during normal operation. Home is directed to channel efficiency during normal operation, and not channel restriction during emergency situations as in Redden.

In order to provide motivation for combining Redden and Home to reject independent claims 1, 12 and 21 on page 2 of the Office Action, the Examiner asserts:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the invention adapt to include deciding whether the grant or deny access to the subscriber station seeking access to the wireless communications system based on a comparison of a first performance indicator to the obtained blocking threshold **because this would allow for improved system performance in a wireless communication system.**

Applicants respectfully disagree with the above-given motivation to combine Redden and Home. The method of Redden reduces system performance since general system-wide access to channels is denied to most users. Only emergency personnel are guaranteed access. Thus, improving system performance is not the object of Redden. Rather, Redden is directed to increasing an effectiveness of emergency communication, and not improved system performance.

For at least this additional reason, Applicants respectfully submit that claims 1-4, 7-8, 11-15, and 19-24 are allowable.

Further, all other claims are rejected for at least the combination of Redden and Home. Thus, Applicant submits that claims

35 U.S.C § 103(a) Redden, Home, and H'mimy

Claims 5-6, 9, 10, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Redden, Home, and H'mimy. Applicants respectfully traverse this art grounds of rejection.

Applicants direct the Examiner to above arguments supporting that there is no motivation to combine Redden and Home. Applicant further submits that there is no motivation to further combine H'mimy with Redden and Home.

Applicants initially agree with the Examiner in that the combination of Redden and Home do not disclose or suggest that "obtaining a reverse link frame error rate and dropped call rate to modify a value of a blocking threshold" (page 9 of the Office Action). Applicants respectfully submit that even if H'mimy were to teach this particular this particular feature, which Applicants submit that it does not, H'mimy remains insufficient in overcoming the suggestion and disclosure deficiencies of Redden and Home with respect to independent claims 1 and 12.

As such, claims 5, 6, 9, 10, and 16-18, dependent upon independent claims 1 and 12, respectively, are likewise allowable over the combination of Redden, Home, and H'mimy, at least for the reasons discussed aboved with respect to independent claims 1 and 12.

Applicants respectfully request that the Examiner withdraw this art grounds of rejection.

Reconsideration and allowance of all pending claims is respectfully requested.

CONCLUSION

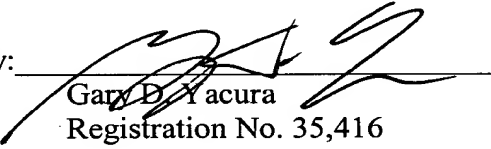
Should there be any outstanding matters that need to be resolved in the present application before allowance thereof, the Examiner is respectfully requested to contact the Terance Madden at (703) 390-3363.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.

By: _____


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